

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

May 6, 2002

**D039988        People v. Kellum**

The appeal is dismissed.

**D037894        People v. Bennett**

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D038752        People v. Alexander**

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D039831        In re Nunez on Habeas Corpus**

The petition is denied.

**D039984        People v. Taylor**

The appeal in this matter challenges solely the validity of a plea or admission. Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is dismissed.

**D039645        The Copley Press, Inc., etc., v. Superior Court of San Diego County/  
Westerfield et al.**

The petition is denied in light of our disposition in Westerfield v. Superior Court (D039640).

**D036096        Estate of Henri Harrar et al. v. Teregis et al.**

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

May 7, 2002

**D037491      Arendt v. City of Chula Vista**

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., McConnell, J.

**D038822      People v. Yanez**

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D038327      People v. Singleton**

**D039614      In re Singleton on Habeas Corpus**

The pending petition for writ of habeas corpus is consolidated with the pending appeal for disposition.

**D038327      People v. Singleton**

**D039614      In re Singleton on Habeas Corpus**

Judgment affirmed; petition denied. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D037591      Saffro v. Elite Racing, Inc.**

The judgment is reversed. CERTIFIED FOR PUBLICATION. McIntyre, Acting P.J.;  
We Concur: O'Rourke, J., McConnell, J.

**D037352      People v. Page**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., McDonald, J.

**D038473      People v. Candelario**

Judgment affirmed. Haller, J.; We Concur: Benke, Acting P.J., Nares, J.

**D039975      Arnold v. Superior Court of San Diego County/People**

The petition is denied.

**D040032      Lanser v. Superior Court of San Diego County/Blackburn et al.**

The petition is denied.

**D039974      The Vons Companies, Inc., v. Superior Court of San Diego County/Jauregui**

The petition is denied.

**D039502      People v. Carey**

Upon filing a written abandonment, the appeal is dismissed.

**D039746      Meyers v. The Superior Court of San Diego County/LeBeau et al.**

The petition is denied.

**D037128      People v. Levy**

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., McConnell, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

May 7, 2002 (Continued)

**D038384        People v. Tuiletufuga**

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D038478        People v. Graillo**

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D038626        Bullet Freight Systems, Inc., et al. v. Fireman's Fund Insurance Company**

The judgment is affirmed. Fireman's Fund is awarded costs on appeal. McConnell, J.;

We Concur: McIntyre, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

May 8, 2002

**D037622      People v. Sosa**

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D038675      People v. Perkins**

The judgment is modified by striking the prior prison term finding and the corresponding one-year sentence. As so modified, the judgment is affirmed. The trial court is directed to amend its abstract of judgment and forward the amended abstract to the Department of Corrections. Haller, J.  
We Concur: Benke, Acting P.J., McConnell, J.

**D035964      Franklin et al. v. Fasack et al.**

The petition for rehearing is denied.

**D037492      Marsch v. Stern**

The petition for rehearing is denied.

**D040058      Rossum v. Superior Court of San Diego County/People**

The petition is denied.

**D036617      Redevelopment Agency of the City of San Diego v. 5th & K. LLC**

Judgment affirmed. Respondent city to recover its costs of appeal and cross-appeal. Benke, J.;  
I Concur: Kremer, P.J.; I Concur in the Result: Huffman, J.

**D039813      People v. Welch**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

**D040021      Westerfield v. Superior Court of San Diego County/People**

Let a writ issue directing the superior court to vacate its April 25, 2002 ruling and enter an order requiring the prosecution to provide copies of the computer and video images to the defense. The documents filed in connection with this petition that were filed under seal below shall remain sealed. This opinion is made final immediately as to this court. McDonald, J.; We Concur: Huffman, Acting P.J., McConnell, J.

**D039799      In re Gonzales on Habeas Corpus**

The petition is denied.

**D039801      In re Moreno on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

May 9, 2002

**D039963        Albano etc., et al. v. Superior Court of San Diego County/Turton et al.**

The petition is denied.

**D039896        Marriage of McClain**

Pursuant to California Rules of Court, rule 8, the appeal filed March 21, 2002, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rule 4(b) and 5(c)).

**D039955        In re McLaughlin on Habeas Corpus**

The petition is denied.

**D039868        In re Bautista on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

May 10, 2002

Court convened at 10:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices  
Richard Huffman and Judith Haller  
Clerk: D. E. Moore

**D038146          Salerno v. San Diego County Employees Retirement Association**

Cause called on merits. Kathleen E. Holden, Esq. argued for appellant. Deirdre E. McGrath, Esq. argued for respondent. Ms. Holden replied. Cause submitted.

Court recessed at 10:30 a.m. until Monday, May 13, 2002 at 9:00 a.m.

**D038813          People v. Mantanez**

The judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. Huffman, Acting P.J.;  
I Concur: McConnell, J., I Concur (by opinion): McIntyre, J.

**D039436          In re Mercedes G., a Juvenile**

The appeal is dismissed. McConnell, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D039980          O'Neal v. Superior Court of San Diego County/O'Neal**

The petition is denied.

**D037137          People v. Johnson**

We order the judgment and abstract of judgment modified to strike Johnson's conviction on section 288, subdivision (a). In all other respects, the judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Huffman, J.

**D040056          People v. Kuzminskiy**

Appellant purports to appeal an August 20, 1999 decision by the Appellate Division of Superior Court. The appeal is dismissed because it is untimely and does not comply with the rules for transfer to this court (California Rules of Court, rules 2, 62.)

**D039858          In re Venegas on Habeas Corpus**

The petition is denied.

**D040066          People v. Hicks**

The appeal in this matter challenges solely the validity of a plea or admission. Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is dismissed.

**D040063          Gonzalez v. Gutierrez**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

May 10, 2002 (Continued)

**D035953      People v. Barley, Jr.,**

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Huffman, J.

**D037942      Grassilli v. Barr et al.**

Judgment reversed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D040060      In re Shantel H., a Juvenile**

Appellant's notice of appeal filed May 3, 2002 is dismissed as untimely.

**D040062      The City of National City et al. v. Superior Court of San Diego County/  
Gonzalez et al.**

The petition is denied.

**D036307      In re John L., a Juvenile**

The order is reversed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D040035      The Copley Press, Inc., et al. v. Superior Court of San Diego County/Westerfield et  
al.**

Copley Press's requests to supplement the petition with the minute orders and transcripts from the proceedings on May 7 and May 8, 2002, are denied. Westerfield's motion to seal the declaration of Steven Feldman is denied and the clerk is directed to return the declaration to Westerfield's counsel pursuant to California Rules of Court, rule 12.5(e)(7). The petition is denied.